MONTANA LEGISLATIVE HISTORY

Chapter 650 1995

Bill H 394 S _____ Original bill & history ✓ C

H. Committee on State Admin

Hearing Date(s) h 2/06 ___C

v 2/07 ___C

_____ ___C

_____ ___C

Date Out _____ ___C

S. Committee on State Admin

Hearing Date(s) h 3/14 ___C

3/15 ___C

_____ ___C

_____ ___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Gov sent back w/ amendments

HB 392 INTRODUCED BY WALDRON, ADDY, MILES
STATEWIDE HOTEL-MOTEL ROOM TAX

1/23	INTRODUCED		
1/23	REFERRED TO TAXATION		
1/24	FISCAL NOTE REQUESTED		
1/31	FISCAL NOTE RECEIVED		
2/05	HEARING		
	DIED IN COMMITTEE		

HB 393 INTRODUCED BY WALDRON, ADDY
LOCAL OPTION HOTEL-MOTEL TAX

1/23	INTRODUCED		
1/23	REFERRED TO LOCAL GOVERNMENT		
2/21	HEARING		
	DIED IN COMMITTEE		

HB 394 INTRODUCED BY D. BROWN, KRUEGER
COMPENSATION FOR PUBLIC EMPLOYEES ON QUASI-JUDICIAL AND EDUCATION BOARDS

1/23	INTRODUCED		
1/23	REFERRED TO STATE ADMINISTRATION		
1/24	FISCAL NOTE REQUESTED		
1/30	FISCAL NOTE RECEIVED		
2/06	HEARING		
2/08	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/09	2ND READING PASS	67	28
2/12	3RD READING PASS	69	29
	TRANSMITTED TO SENATE		
2/13	REFERRED TO STATE ADMINISTRATION		
3/14	HEARING		
3/15	COMMITTEE REPORT-BILL CONCURRED		
3/21	2ND READING CONCURRED	32	5
3/23	3RD READING CONCURRED	44	5
	RETURNED TO HOUSE		
3/26	SIGNED BY SPEAKER		
3/26	SIGNED BY PRESIDENT		
3/27	TRANSMITTED TO GOVERNOR		
4/01	RETURNED WITH GOVERNOR'S AMENDMENTS		
4/04	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	80	7
4/05	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	87	5
	TRANSMITTED TO SENATE		
4/17	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	49	0
4/18	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	48	1
	RETURNED TO HOUSE		
4/23	SIGNED BY SPEAKER		
4/23	SIGNED BY PRESIDENT		

4/24	TRANSMITTED TO GOVERNOR		
4/30	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 650 EFFECTIVE DATE: 7/01/85		

HB 395 INTRODUCED BY D. BROWN, PAVLOVICH
NO CIVIL LIABILITY OF PURVEYORS OF ALCOHOL FOR DAMAGE DONE BY CONSUMER

1/23	INTRODUCED		
1/23	REFERRED TO JUDICIARY		
1/31	HEARING		
2/04	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/05	2ND READING PASS	76	21
2/06	3RD READING PASS	84	14
	TRANSMITTED TO SENATE		
2/07	REFERRED TO BUSINESS & INDUSTRY		
3/15	HEARING		
3/20	ADVERSE COMMITTEE REPORT AS AMENDED, BE NOT CONCURRED IN	34	11
	RETURNED TO HOUSE		
3/21	RECONSIDERATION		
	RETURNED TO SENATE		
3/27	REREFERRED TO BUSINESS & INDUSTRY		
3/27	TABLED IN COMMITTEE		

HB 396 INTRODUCED BY SPAETH, RAMIREZ, ET AL.
DNRC TO DETERMINE WHEN APPLICATION FOR WATER PERMIT NOT IN GOOD FAITH
BY REQUEST OF DEPT. OF NATURAL RESOURCES

1/23	INTRODUCED		
1/23	REFERRED TO NATURAL RESOURCES		
1/24	FISCAL NOTE REQUESTED		
1/28	HEARING		
1/31	FISCAL NOTE RECEIVED		
2/23	COMMITTEE REPORT-BILL DO PASS		
2/23	STATEMENT OF INTENT ATTACHED		
2/26	2ND READING PASS	95	0
2/27	3RD READING PASS	99	0
	TRANSMITTED TO SENATE		
3/05	REFERRED TO NATURAL RESOURCES		
3/25	HEARING		
3/25	COMMITTEE REPORT-BILL CONCURRED		
3/27	2ND READING CONCURRED	50	0
3/29	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
4/04	SIGNED BY SPEAKER		
4/04	SIGNED BY PRESIDENT		
4/04	TRANSMITTED TO GOVERNOR		
4/08	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 399 EFFECTIVE DATE: 4/08/85		

HB 397 INTRODUCED BY JONES, ELLISON, ET AL.
REPEAL TENURE LAWS; PROVIDE FOR TERMINATION HEARING

INTRODUCED BY HOUSE BILL NO. 394

A BILL FOR AN ACT ENTITLED: "AN ACT TO ENTITLE PUBLIC EMPLOYEES IN CERTAIN CATEGORIES TO PER DIEM COMPENSATION FOR THEIR SERVICE AS MEMBERS OF QUASI-JUDICIAL AND STATE EDUCATION AND HISTORICAL SOCIETY BOARDS AND TO INCREASE THE PER DIEM COMPENSATION FOR MEMBERS OF STATE EDUCATION AND HISTORICAL SOCIETY BOARDS FROM $25 A DAY TO $50 A DAY; AMENDING SECTIONS 2-15-124, 2-15-1009, 2-15-1512, 2-15-1706, 19-3-302, 20-2-113, AND 22-3-105, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-124, MCA, is amended to read:

"2-15-124. Quasi-judicial boards. If an agency is designated by law as a quasi-judicial board for the purposes of this section, the following requirements apply:

(1) The number of and qualifications of its members are as prescribed by law. In addition to those qualifications, unless otherwise provided by law, at least one member shall be an attorney licensed to practice law in this state.

(2) The governor shall appoint the members. A majority of the members shall be appointed to serve for terms concurrent with the gubernatorial term and until their successors are appointed. The remaining members shall be appointed to serve for terms ending on the first day of the third January of the succeeding gubernatorial term and until their successors are appointed. It is the intent of this subsection that the governor appoint a majority of the members of each quasi-judicial board at the beginning of his term and the remaining members in the middle of his term. As used in this subsection, "majority" means the next whole number greater than half.

(3) The appointment of each member is subject to the confirmation of the senate then meeting in regular session or next meeting in regular session following the appointment. A member so appointed has all the powers of the office upon assuming that office and is a de jure officer, notwithstanding the fact that the senate has not yet confirmed the appointment. If the senate does not confirm the appointment of a member, the governor shall appoint a new member to serve for the remainder of the term.

(4) A vacancy shall be filled in the same manner as regular appointments, and the member appointed to fill a vacancy shall serve for the unexpired term to which he is appointed.

(5) The governor shall designate the chairman. The chairman may make and second motions and vote.

LC 0375/01

INTRODUCED BILL
HB 394

(6) Members may be removed by the governor only for cause.

(7) Unless ~~he is a full-time salaried officer or employee of this state or of a political subdivision of this state~~ otherwise provided by law, each member is entitled to be paid $50 for each day in which he is actually and necessarily engaged in the performance of board duties, and he is also entitled to be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, incurred while in the performance of board duties. Members who are full-time salaried officers or employees of this state or of a political subdivision of this state, as defined in 2-18-601 and not including the state officers and employees excepted in 2-18-103, are not entitled to be compensated for their service as members ~~but~~ except when they perform their board duties outside their regular working hours or during time charged against their annual leave, but such members are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503. Ex officio board members may not receive compensation but shall receive travel expenses.

(8) A majority of the membership constitutes a quorum to do business. A favorable vote of at least a majority of all members of a board is required to adopt any resolution, motion, or other decision, unless otherwise provided by

law."

Section 2. Section 2-15-1009, MCA, is amended to read:

"2-15-1009. Public employees' retirement board -- terms -- allocation. (1) There is a public employees' retirement board.

(2) The board consists of six members appointed by the governor. The members are:

(a) three public employees who are active members of a public retirement system (not more than one of these members may be an employee of the same department);

(b) one retired public employee who is an inactive member of the public employees' retirement system; and

(c) two members at large.

(3) The term of office for each member is 5 years.

(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

(5) Members of the board shall be ~~paid their travel expenses as provided for in 2-18-501 through 2-18-503, as amended, and members of the board who are not active members of the public retirement system shall be entitled, in addition to travel expenses, to compensation as established for a quasi-judicial board~~ compensated and receive travel expenses as provided for in 2-15-124."

Section 3. Section 2-15-1512, MCA, is amended to read:

"2-15-1512. Boards and offices associated with state

historical society. (1) (a) There is a board of trustees of the state historical society which is created in Title 22, chapter 3.

(b) The composition, method of appointment, terms of office, and qualifications of board members remain as prescribed by law.

(2) (a) There is a preservation review board within the Montana historical society consisting of nine members.

(b) Members shall be appointed by the governor in the following manner:

(i) five professional persons recognized in the fields of archaeology, history, architecture, or architectural history; however, no more than two members may be appointed from any one of these fields;

(ii) a professional paleontologist;

(iii) the state liaison officer for the federal land and water conservation fund;

(iv) two members of the public who have actively demonstrated an interest in historic preservation matters.

(c) Each member shall serve a 4-year term. A member may be reappointed.

(d) ~~Unless--he--is--a--full-time--salaried--officer-or employee-of-this-state-or-of-a-political--subdivision,--each member--is--entitled--to--be--paid-$25-a-day-for-each-day-in which-he-is-actually-and-necessarily-engaged-in-board-duties~~

~~and-to-reimbursement-for-travel-expenses,-as-provided-for-in 2-18-501-through-2-18-503,-incurred-in--the--performance--of board-duties~~ Members shall be compensated and receive travel expenses as provided for in 2-15-124.

(3) (a) There is established the historic preservation office within the Montana historical society, to consist of an historic preservation officer and a qualified professional staff.

(b) The historic preservation officer is appointed by the governor."

Section 4. Section 2-15-1706, MCA, is amended to read:

"2-15-1706. Commission for human rights -- allocation -- quasi-judicial. (1) There is a commission for human rights.

(2) The commission consists of five members appointed by the governor with the consent of the senate.

(3) The commission is designated as a quasi-judicial board for the purposes of 2-15-124 ~~but~~ and its members shall be compensated and receive travel expenses as provided for in ~~37-1-133~~ 2-15-124.

(4) The commission is allocated to the department of labor and industry for administrative purposes only as provided in 2-15-121, except that the commission may hire its own personnel, may seek and receive private and federal funds in its own name, and may determine all matters of

policy concerning the use of its budget. Subsection (2)(d) of 2-15-121 shall not apply for purposes of this section."

Section 5. Section 19-3-302, MCA, is amended to read:

"19-3-302. Compensation and expenses of board members. ~~The travel expenses of members of the board shall be as allowed in 2-18-501 through 2-18-503, as amended, and reimbursed by the retirement system. Those members of the board who are not members of the retirement system~~ Members shall be entitled to ~~receive, in addition to travel expenses,~~ compensation as provided in ~~2-15-1009~~ 2-15-124."

Section 6. Section 20-2-113, MCA, is amended to read:

"20-2-113. Per diem of board members -- expenses. Appointed members of the board of public education and the board of regents ~~are entitled to $25 per day and travel expenses, as provided for in 2-18-501 through 2-18-503,~~ shall be compensated and receive travel expenses as provided for in 2-15-124 for each day in attendance at board meetings or in the performance of any duty or service as a board member."

Section 7. Section 22-3-105, MCA, is amended to read:

"22-3-105. Compensation and expenses of trustees. Each member of the board of trustees ~~is entitled to be paid $25 for each day in which he is actually and necessarily engaged in the performance of board duties, and he is also entitled to be reimbursed for travel expenses, as provided for in~~

~~2-18-501 through 2-18-503, as amended, incurred while in the performance of board duties. Members who are full-time salaried officers or employees of this state or of any political subdivision of this state are not entitled to be compensated for their service as members but are entitled to be reimbursed for their travel expenses~~ shall be compensated and receive travel expenses as provided for in 2-15-124."

NEW SECTION. Section 8. Effective date. This act is effective July 1, 1985.

-End-

STATE OF MONTANA

F I S C A L N O T E

REQUEST NO. FNN215-85

Form BD-15

In compliance with a written request received January 24, 19 85, there is hereby submitted a Fiscal Note for H.B. 394 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 394 entitles public employees in certain categories to per diem compensation for their service as members of quasi-judicial and state education and Historical Society boards and to increase the per diem compensation for members of state education and Historical Society boards from $25 to $50 a day.

ASSUMPTIONS:

1. There will be fiscal impact on this amount of per diem per member for:
   a. Board of Public Education
   b. Board of Regents
   c. Historical Society Board of Trustees and Preservation Review Board

2. There will be no per diem impact on the following examples of quasi-judicial bodies because either: (1) there would be no public employees on the Commission/Board, or (2) their participation would be within compensated working hours, or (3) the per diem rate is already $50 per day:
   a. Commission for Human Rights
   b. Board of Labor Appeals
   c. Board of Personnel Appeals
   d. Public Employees' Retirement Board
   e. Teachers' Retirement Board
   f. Board of Investments
   g. Board of Health and Environmental Sciences
   h. Fish and Game Commission, etc.

David L Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: JAN 30, 1985

HB 394

FN4:I/1

FISCAL IMPACT:

Per Diem Expenditures:	FY86	FY87	87 BIENNIUM
Current Law	$ 10,775	$ 10,775	$ 21,550
Proposed Law	26,350	26,350	52,700
Increased Cost	$ 15,575	$ 15,575	$ 31,150
Funding For Increased Cost:			
General Fund	$ 14,675	$ 14,675	$ 29,350
Federal Funds	900	900	1,800
TOTAL	$ 15,575	$ 15,575	$ 31,150

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 6, 1985

The meeting of the State Administration Committee was called to order by Chairman Sales at 9:00 a.m. on the above date in Room 317 of the State Capitol.

ROLL CALL: Sixteen members were present with Rep. Pistoria absent and Rep. Holliday excused.

CONSIDERATION OF HOUSE BILL NO. 451: Rep. Fred Thomas, District #62, said that this bill is a practical way of looking at things. This would not limit the contributions that could be made by PACs but would require full disclosure by the candidates as to what they received and the public could then decide for themselves. He said he didn't feel they could prevent money being spent on legislative elections. The public doesn't and won't get the full picture of who is donating to what candidate. He said the candidates should be allowed to take as much in contributions as they wish and then require a full disclosure. There are numerous ways of getting around the law and this way the public isn't getting the true picture.

PROPONENTS: There were no proponents.

OPPONENTS: Jonathan Motl, representing Common Cause read and explained his prepared testimony which also included information concerning the contributions by PACs in Montana. See Attached Exhibit #1 .

Don Judge, Montana State AFL-CIO, said that two years ago they supported the legislation even though they are the largest contributing group and they continue to support the spending limitation. Candidates have returned money to the AFL-CIO because they have reached their limit. He said they do not give in-kind contributions as the present law does seem to allow. He urged the Committee to give this bill a Do Not Pass. He also urged the Committee to close the loop holes in in-kind contributions. Don't allow special interest groups to have more than a fair share of influence.

Teri England, Montana Public Interest Research Group, read her prepared testimony. (See attached Exhibit #2)

Nancy Harte, Montana Democratic Party, said that the Democratic Party vigorously opposes the removal of any limitations and asked the Committee for a Do Not Pass on the bill.

Tom Ryan, Montana Senior Citizens' Association, said they find their influence diminishing although they are a rapidly growing organization and said their in-kind contributions would be more significant by diminishing the influence of the PACs .

Eileen Robbins, Montana Nurses' Association, said their Association would be agreeable to reaching a compromise somewhere between 25-100%.

Tom Schneider, Montana Public Employees' Association, said that one thing missing on the fiscal note is consideration of savings by someone in a job that has to be replaced. If someone has to be called in to replace another person that person is considered a 2 1/2 employee. He suggested an amendment on page 2, line 5 following the second "to" insert "the minimum of one-fourth". This would not limit the employer to paying more than one-fourth.

OPPONENTS: Gordon Morris, Montana Association of Counties, called to the attention of the Committee that the fiscal note does not contain any reference to county employees. There are 6,000 employees in the counties and if they were included in this bill it would add approximately $18 million to the fiscal note. Sick leave is a benefit, not a right, to be used during employment not after employment. He said there are a variety of ways to contend with sick leave abuse. Missoula is currently converting 6 days of sick leave accrued to one day of annual leave. An additional 25 mills would have to be raised to fund this program if the county employees were to be included.

Sandra Whitney, Montana Taxpayers' Association, said their Association feels that sick leave parallels an insurance program, not a retirement program. She read prepared testimony which is attached as Exhibit #5.

DISCUSSION OF HOUSE BILL NO. 427: Rep. Harbin said he thought there could be an increase in employee's wages toward the end of his employment if the 100% was to be computed on the wages earned at the time of employment. Why is 1985 not used rather than 1971 so these employees would only receive 100% from 1985.

Rep. Cody asked if the counties had the options for other alternatives. Mr. Morris said they are required to follow this particular statute, however, this is the minimum. Missoula County is going beyond paying the minimum and is converting unused sick leave to annual leave.

Rep. Addy closed without further comment.

CONSIDERATION OF HOUSE BILL NO. 394: Rep. Dave Brown, District #72, sponsor of HB 394, served on an interim subcommittee and was requested to draft a bill to remedy the inequities concerning compensation for service on quasi-judicial boards. He read a memorandum prepared by Karen Renne, Legislative Council, which is attached as Exhibit #6. The bill deals with boards that were not included in legislation last year.

PROPONENTS: Carol Ferguson, Hard Rock Mining Impact Board, stated that on this board one of the members must be a county commissioner. Because he is a full time elected official he cannot receive compensation to serve on this board.

Irving Dayton, Commissioner of Higher Education, said this is not a University system bill but they do support it. He said there are some faculty members that do serve on these boards and did not see this as creating a problem for them and would be in line with the policy used such as for jury duty. Last session when this compensation was introduced, some of these boards noticed they weren't being included and got themselves amended in. This is not true for these four boards.

Rep. Brown stated that the fiscal note shows $15,500 per year or about $31,000 for the biennium. It would really be only about $29,000 because there would be some federal funds.

There were no further proponents and no opponents.

DISCUSSION OF HOUSE BILL NO. 394: Rep. Harbin, after some calculations, said that the fiscal note seemed to be pretty well in range.

Rep. Phillips stated that the county commissioners could still be paid mileage. However, Ms. Ferguson said they are not serving on the Hard Rock Mining Impact Board as a county commissioner and should receive compensation.

Rep. Peterson asked why the State Library Commission was not included. Sara Parker, State Librarian told the Committee that currently they are prohibited from receiving any funds under another statute, therefore, Rep. Fritz is introducing a bill that will amend that statute.

Mr. Dayton said it was very possible to miss these quasi-judicial boards because they are scattered throughout the statutes and you have to go looking for them.

There being no further questions, the hearing on HB 394 was concluded.

The Committee then went into executive session.

DISPOSITION OF HOUSE BILL NO. 451: Rep. Garcia moved that HB 451 DO NOT PASS, seconded by Rep. Moore. Motion CARRIED 10-6 with Reps. Phillips, Jenkins, Campbell, Smith, Sales and Compton voting no. Rep. Holliday, having been excused, left written votes with the Chairman. (See attached)

DISPOSITION OF HOUSE BILL NO. 359: Rep. Phillips moved HB 359 DO PASS, seconded by Rep. Fritz. The motion CARRIED with Chairman Sales voting "no".

CS-34

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/6/85

NAME	PRESENT	ABSENT	EXCUSED
Chairman Walter Sales	✓		
V-Chairman Helen O'Connell	✓		
Campbell, Bud	✓		
Compton, Duane	✓		
Cody, Dorothy	✓		
Fritz, Harry	✓		
Garcia, Rodney	✓		
Hayne, Harriet	✓		
Harbin, Raymond	✓		
Holliday, Gay			✓
Jenkins, Loren	✓		
Kennerly, Roland	✓		
Moore, Janet	✓		
Nelson, Richard	✓		
Peterson, Mary Lou	✓		
Phillips, John	✓		
Pistoria, Paul		✓	
Smith, Clyde	✓		

Please attach to minutes.

Ex #6
HB-394
2/6/85

January 29, 1985

MEMORANDUM

TO: Representative Dave Brown

FROM: Karen Renne, Researcher
Legislative Council

RE: HB 394, Revising Rules Governing Compensation for Service on Quasi-Judicial Boards

Summary

The main purpose of this bill is to clarify the rules in Title 2 that govern compensation for service on quasi-judicial boards and to remove certain inequities.

There are 22 boards designated by statute as quasi-judicial, and 6 others with a quasi-judicial function that are not designated in the statute as quasi-judicial. This bill puts all of these boards on the same basis with regard to compensation. (See attached list.)

As the law stands now, public employees cannot receive per-diem compensation for service on quasi-judicial boards, though they are entitled to travel expenses. This is unfair to public employees who serve on these boards without compensation along with other appointees who receive $50 a day. Furthermore, all members of licensing boards, except those serving in an ex-officio capacity, are entitled to per diem compensation (see 37-1-133).

HB 394 corrects these inequities by making all board members except those serving in an ex officio capacity eligible for per diem compensation unless they are public employees performing their duties as board members during their regular working hours. It defines public employees by referring to Title 2, chapter 18. This definition excludes elected officials, school teachers, independent contractors, people hired under personal service contracts, academic employees and professional administrators who have individual contracts with the board of regents, and officials and employees of the legislative and judicial branches (see 2-18-601 and 2-18-103). These people are excluded because for the most part they are not eligible for vacation and related benefits that executive-branch employees receive.

The rest of the bill is intended primarily for housekeeping purposes. It provides uniform rules for compensating service on quasi-judicial boards and boards with a quasi-judicial function.

Section 1: amends 2-15-124, the basic statute governing quasi-judicial boards.

Section 2 and Section 5: amend two sections that deal with the Public Employees Retirement System board. Compensation for this board now is "as established for a quasi-judicial board." The bill refers directly to 2-15-124, which does not raise the amount of compensation but might make some members eligible for it who are now excluded.

Section 3 and Section 7: amend two sections that deal with the board of trustees of the State Historical Society. This board is not designated as quasi-judicial but has quasi-judicial functions. The bill puts this board on the same basis as quasi-judicial boards, which means that the per diem compensation is raised from $25 to $50.

Section 4: amends the section that establishes the Commission for Human Rights, which is a designated quasi-judicial board but is compensated "as provided for in 37-1-133." The bill changes this to 2-15-124. This does not affect the amount of compensation.

Section 6: amends the section that specifies per diem compensation for the board of public education and the board of regents, two boards that are not designated as quasi-judicial but have quasi-judicial functions. The bill raises the per diem compensation for these boards from $25 to $50.

****

Designated Quasi-Judicial Boards

Department of Administration:
- Board of Investments

Department of Labor
- Board of Labor Appeals
- Board of Personnel Appeals
- Commission for Human Rights

Department of Commerce
- Board of Milk Control
- Economic Development Board
- Board of Aeronautics
- Board of Housing
- Health Facility Authority
- Coal Board
- Hard Rock Mining Impact Board
- Board of Social Work Examiners

Department of Health & Environmental Sciences
- Board of Health and Environmental Sciences
- Board of Social & Rehabilitation Appeals

Department of Institutions
- Board of Pardons

Department of Agriculture
- Agricultural Loan Authority
- Board of Livestock
- Pork Research & Marketing Board

Department of Natural Resources & Conservation
- Board of Natural Resources and Conservation
- Board of Oil and Gas Conservation

Department of Fish, Wildlife and Parks
- Fish and Game Commission

Department of Highways
- Highway Commission

Other Boards With Quasi-Judicial Functions

Department of Administration:
- Public Employees Retirement Board
- Teachers Retirement Board*
- State Tax Appeal Board**

Board of Public Education
Board of Regents of Higher Education
Board of Trustees of the State Historical Society

*Already have $50 per diem for all members

**Full-time salaried

VISITORS' REGISTER

_____ COMMITTEE

BILL NO. 359, 394, 427, 451, 461 DATE 2/6/85

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Dave Brown	Butte-Silver Bow #72	394 K	
Carol L. Ferguson	Clancy, MT.	394	
Richard Weddle	Helena - Dept. of Commerce	394	
Nadiean Jensen	Helena	427	
DON REED	Helena, MEIC		451
EARL J. REILLY	HELENA M.S.C.A.		X
Teri England	Helena MontPIRG	[redacted]	451
Lyte Wold	Conservation		X 451
Penny Feltscamidt	MT Ass Clerk of Dist Ct's	427	
[illegible] Janecek	MEDB	359	
Fred Nayes	Dept of Comm.	359	
Eileen Robbins	Montana Houses HB427	✓	
Tom Ryan	Mont. City Attys		X
G. MORRIS	MACo		HB427
[illegible]	Mon Tav		427
Terry Murphy	REALTORS	451	
Bob Schneider	MPEA	427	
Nancy J. Harte	Helena, Mt. Dem. Party		451
LARRY CONNER	Bozeman MT MT Police Assn	427	
MICHAEL HUNT	MT. ST. FIREMANS ASSOC.	427 ✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

_____ COMMITTEE

BILL NO. _____ DATE _____

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Sara Parker	State Library		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CS-33

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 7, 1985

The meeting of the State Administration Committee was called to order by Chairman Sales on the above date in Room 317 of the State Capitol.

ROLL CALL: Fourteen members were present with Reps. Moore and Jenkins absent and Reps. Holliday and Kennerly excused.

CONSIDERATION OF HOUSE BILL NO. 398: Rep. Mike Kadas, District #55, sponsor of the bill, explained to the Committee that he had served on an interim study and found that building inspections are very poor - they are not up to standards, not done on time and not done consistently. This bill would require that building inspectors would be certified by the International Conference of Building Officials (ICBO). They would have a three day course for certification and they would have to renew this certification every three years.

PROPONENTS: Jim Kembel, Department of Administration, read his prepared testimony which set out the reasons for their support of HB 398. See attached Exhibit #1.

There were no further proponents of HB 398.

OPPONENTS: There were no opponents to HB 398.

DISCUSSION OF HOUSE BILL NO. 398: Rep. Campbell asked if the $15 for the renewal fee would support the program. Mr. Kembel said that this fee would go directly to the ICBO.

Chairman Sales asked Mr. Kembel how many inspectors they are talking about. Mr. Kembel replied that there are 56 cities in the code enforcement program. They have 20 inspectors at the present time and they would be looking at about 80 more for the 56 cities. The educational program would be held through Montana State University and they are willing to move that around the state. The test could be given at MSU and at other locations under the auspices of the ICBO.

There being no further questions, Rep. Kadas closed.

CONSIDERATION OF HOUSE BILLS NOS. 463 and 464: Rep. Bob Marks, District #75, sponsor of the legislation, said that these two companion bills would abolish the salary commission. HB 464 would be the statutory implementation if HB 463 should pass. The recommendations of this salary commission has never worked and they have been disregarded completely. This salary commission was set up by the 1972 Constitutional Convention as an advisory commission only. This has proved to be very frustrating for everyone involved. One of Rep. Marks' appointees

Rep. Fritz then moved that HB 488, DO PASS AS AMENDED, seconded by Rep. Compton. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE JOINT RESOLUTION NO. 14: Rep. Pistoria moved that HJR 14 DO PASS, seconded by Rep. Garcia. Rep. Harbin spoke in opposition to the Resolution. Reps. Garcia, O'Connell, Pistoria, and Phillips voting in favor of the Do Pass. Motion FAILED.

Rep. Cody moved that HJR 14 DO NOT PASS, seconded by Rep. Peterson. The vote was reversed with Rep. Garcia, O'Connell, Pistoria and Phillips voting "no". Motion CARRIED.

DISPOSITION OF HOUSE BILL NO. 394: Rep. Harbin explained the amendments proposed by Rep. Brown.

Rep. O'Connell moved that the LIBRARY BOARD BE INCLUDED, seconded by Rep. Pistoria. Motion CARRIED UNANIMOUSLY.

Lois Menzies explained the problems with the board members not receiving compensation for serving on these various quasi-judicial boards and cleared up the questions for several of the members.

Rep. O'Connell moved that HB 394 DO PASS AS AMENDED, seconded by Rep. Harbin. Motion CARRIED UNANIMOUSLY.

There being no further business before the Committee, the meeting was adjourned at 10:45 a.m.

Written votes on the above bills were left by Reps. Holliday and Kennerly who were excused.

WALTER R. SALES, Chairman

ls

CS-34

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/7/85

NAME	PRESENT	ABSENT	EXCUSED
Chairman Walter Sales	✓		
V-Chairman Helen O'Connell	✓		
Campbell, Bud	✓		
Compton, Duane	✓		
Cody, Dorothy	✓		
Fritz, Harry	✓		
Garcia, Rodney	✓		
Hayne, Harriet	✓		
Harbin, Raymond	✓		
Holliday, Gay			✓
Jenkins, Loren		✓	
Kennerly, Roland			✓
Moore, Janet		✓	
Nelson, Richard	✓		
Peterson, Mary Lou	✓		
Phillips, John	✓		
Pistoria, Paul	✓		
Smith, Clyde	✓		

Please attach to minutes.

STANDING COMMITTEE REPORT

February 7 19 85

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 394

First reading copy (White color)

COMPENSATION FOR PUBLIC EMPLOYEES ON QUASI-JUDICIAL AND EDUCATION BOARDS

Respectfully report as follows: That HOUSE Bill No. 394

BE AMENDED AS FOLLOWS:

1. Title, line 7.
Following: "BOARDS"
Strike: "AND"
Insert: ";"

2. Title.
Following: line 9
Insert: "AND TO PROVIDE PER DIEM COMPENSATION FOR MEMBERS OF THE STATE LIBRARY COMMISSION;"

3. Title, line 11.
Following: "20-3-113,"
Insert: "22-1-101,"

DO PASS AS

CONTINUED

Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 14, 1985

The forty-second meeting of State Administration Committee was called to order by Chairman Jack Haffey in Room 331, Capitol, at 10 a.m. on Thursday, March 14, 1985.

ROLL CALL: All the members were present.

CONSIDERATION OF HOUSE BILL 732: Representative Ben Cohen, House District 3, Whitefish, is the sponsor of this bill entitled, "AN ACT TO AUTHORIZE THE FLATHEAD BASIN COMMISSION TO RECEIVE AND EXPEND DONATIONS, GIFTS, GRANTS, AND OTHER MONEY TO FULFILL ITS DUTIES WITHOUT APPROPRIATION BY THE LEGISLATURE; AMENDING SECTION..., MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." Representative Cohen passed out the legislation that created the Flathead Basin Commission (attached hereto marked Exhibit "1" and by this reference made a part hereof). Representative Cohen told the Committee that grants come from various groups and the Flathead Basin Commission needs the flexibility to handle this money, gifts, etc. He told the Committee that at present, the money is funneled into the University system and that this was not a very good way to handle this.

PROPONENTS: Brace Hayden, Flathead Basin Commission, supports this bill. Mr. Hayden said that this would give them the flexibility to work with the money that comes in for studies. He said at present they funnel these into the system of the University of Montana and he thinks that they have to put them into one of their projects and try to keep it separate. Mr. Hayden said that this bill will allow them to handle these moneys on their own in a straight forward manner.

OPPONENTS: There were no opponents.

COMMITTEE QUESTIONS: Senator Farrell asked if this would allow them to enter into law suits if they were allowed to spend money. Mr. Hayden said that he did not think so since they have no regulatory authority. He did not feel that this would involve any legal authority. Senator Haffey noted that this was connected with House Bill 12 and was wondering what would happen if House Bill 12 does not pass, and they receive a gift or grant under those circumstances. Representative Cohen said that if House Bill 12 fails to pass, there is no budget for the Flathead Basin Commission and there will be no Flathead Basin Commission. Representative Cohen said that if this passes and House Bill 12 fails, the Flathead Basin Commission will continue to exist somehow because the citizens will try to keep the Commission alive somehow through donations, but we will have no way to fund the executive director's office. Dr. Dayton, Commissioner of Higher Education stood at this point and said that

he did not know this bill was up today, but that they would appreciate the passage of this bill also. He told the Committee that they are carrying this in their budget and they would like to disentangle this.

Representative Cohen closed by thanking the Committee. HOUSE BILL 732 is closed.

EXECUTIVE ACTION ON HOUSE BILL 732: Senator Mohar moved that HOUSE BILL 732 be concurred in. Question was called and with Senator Farrell voting no, the Committee voted that HOUSE BILL 732 BE CONCURRED IN. (Senator Harding will carry this Bill.)

CONSIDERATION OF HOUSE BILL 394: Representative Dave Brown, House District 72, Butte-Silver Bow, is the sponsor of this bill entitled, "AN ACT TO ENTITLE PUBLIC EMPLOYEES IN CERTAIN CATEGORIES TO PER DIEM COMPENSATION FOR THEIR SERVICE AS MEMBERS OF QUASI-JUDICIAL AND STATE EDUCATION AND HISTORICAL SOCIETY BOARDS ~~AND~~; TO INCREASE THE PER DIEM COMPENSATION FOR MEMBERS OF STATE EDUCATION AND HISTORICAL SOCIETY BOARDS FROM $25 A DAY TO $50 A DAY; AND TO PROVIDE PER DIEM COMPENSATION FOR MEMBERS OF THE STATE LIBRARY COMMISSION; AMENDING SECTIONS ..., MCA; AND PROVIDING AN EFFECTIVE DATE." Representative Brown told the Committee that this bill came about through his work with the Hardrock Mining Board. He told the Committee that there was a problem with public officials being on quasi-judicial boards. He said they did not even receive per diem. He said that they worked very hard on this bill and it removes the inequities in the system. Representative Brown told the Committee that they tried to pick up all the boards that this would refer to and put them on the same basis. Representative Brown said the language was to avoid double-dipping but was to allow for some dipping when necessary. He said in many cases, they can't receive salary or compensation and that is not fair, because in that case they are serving on these boards free and paying for it out of their own pockets. Representative Brown said this would allow them to take annual leave and receive compensation or receive salary and not be compensated. He said that the Library Board was added in the House and was combined into this bill.

PROPONENTS: Dr. Irving Dayton, Commissioner of Higher Education, supports this bill. Dr. Dayton said that they do have faculty members who are asked to serve on these boards because of their expertise. He said some members can do it as a part of their regular jobs, but if they meet on weekends, they contribute their time. Dr. Dayton felt that it would be equitable if these members received per diem as they do this on their own time. Dr. Dayton further felt that if most of the boards received $50 per day per diem, all the boards should receive the same.

Carol Ferguson, Hardrock Mining Board, supports this bill. Ms. Ferguson said the chairman of the board was a faculty member at Montana Tech and he was not eligible for per diem. She said it was even harder on teachers because they would have to take leave, pay their replacement or substitute, and not be reimbursed.

Sara Parker, Montana State Library Commission, supports this bill. Ms. Parker is in favor of the per diem being raised because it will make it a little easier on those who give of their time to serve. (See Exhibit "2" attached hereto and by this reference made a part hereof.)

OPPONENTS: There were no opponents.

COMMITTEE QUESTIONS: Senator Mohar asked if the stricken language on lines 4, 5, and 6, page 3 would take care of the double-dipping. Representative Brown said the language on lines 16 through 18 Senator Mohar said that he served on a board called REAC and they are still at $25 per day, and he wondered if he would piggyback this bill. Representative Brown said that this would not be a problem. He said that they tried to catch all of the boards, but they may have missed some of them.

Representative Brown closed by asking Senator Haffey if the bill passed if he would carry it. HOUSE BILL 394 is closed.

EXECUTIVE ACTION ON HOUSE BILL 394: Executive action on House Bill 394 will be deferred until Friday or Monday in order to give Senator Mohar an opportunity to make the necessary amendments to include the boards he was concerned about.

CONSIDERATION OF HOUSE BILL 463 AND HOUSE BILL 464: Representative Bob Marks, House District 75, Clancy, is the sponsor of these billsentitled, HOUSE BILL 463: "AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO THE MONTANA CONSTITUTION TO REPEAL ARTICLE XIII, SECTION 3, THEREOF, WHICH REQUIRES THE LEGISLATURE TO CREATE A SALARY COMMISSION TO RECOMMEND COMPENSATION FOR THE JUDICIARY AND ELECTED MEMBERS OF THE LEGISLATIVE AND EXECUTIVE BRANCHES." HOUSE BILL 464: "A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING THE MONTANA SALARY COMMISSION AND ELIMINATING ITS DUTIES; PROVIDING FOR COORDINATION WITH HOUSE BILL 463; AMENDING SECTIONS.., MCA; AND PROVIDING A DELAYED EFFECTIVE DATE." Representative Marks asked that he be allowed to handle these bills as a package. He said that 463 is a bill to submit the question to the voters of removing the Constitutional amendment to remove the requirement for a salary commission and 464 will abolish that position, and eliminate its duties. Representative Marks read a letter from a member of the commission saying that he was in favor of these bills.

ROLL CALL

STATE ADMINISTRATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFFEY, Chairman	✓		
SENATOR LES HIRSCH, Vice-Chairman	✓		
SENATOR JOHN ANDERSON	✓		
SENATOR MAX CONOVER	✓		
SENATOR WILLIAM FARRELL	✓		
SENATOR ETHEL HARDING	✓		
SENATOR J. D. LYNCH	✓		
SENATOR DICK MANNING	✓		
SENATOR JOHN MOHAR	✓		
SENATOR LARRY TVEIT	✓		

DATE March 14, 1985

COMMITTEE ON State Administration

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Oppose
Dave Brown	Sponsor - Butte Silver Bow	394	✓	
Doug L. Dayton	Commissioners of Higher Ed	394	✓	
Peggy Elder	HD 3	732	✓	
Sara Parker	State Library	394	✓	
Dennis Iverson	Sponsor	458		
Paula Hamilton	Gov Office & Railroad Comm.	455/732	✓	
Carol L. Ferguson	Hard Rock Mining Impact Bd.	394	✓	
LAUREN MCKINSEY	49TH PARALLEL INSTITUTE	488	✓	
Keith R. Olson	MT Logging Assn	488	✓	

(Please leave prepared statement with Secretary.)

Exhibit "2"
HB-394
3-14-85

NAME: Sara Parker DATE: March 14, 1985

ADDRESS: 1515 E. Sixth, Helena, Montana, 59620

PHONE: 444-3115

REPRESENTING WHOM? Montana State Library Commisson

APPEARING ON WHICH PROPOSAL: HB 394

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: The State Library Commission is a group of citizen who give generously of their time and thought to the well-being of libraries and the statutory responsibility they exercise. The current language in MCA-22-1-101 prohibits the Commission from receiving the daily per diem other boards and commissions receive. This would provide equity with other citizens who serve the State by providing governance to programs.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 15, 1985

The forty-third meeting of the State Administration Committee was called to order by Chairman Jack Haffey in Room 331, Capitol, at 10 a.m. on Friday, March 15, 1985.

ROLL CALL: All the members were present with the exception of Senator Lynch who was excused. Senator Manning and Senator Tveit arrived late.

CONSIDERATION OF HOUSE BILL 550: Representative Jan Brown, House District 46, Helena, is the sponsor of this bill entitled, "AN ACT TO ALLOW STATE EMPLOYEES TO POOL A PORTION OF THEIR COMPENSATED SICK LEAVE IN A FUND AND TO DRAW UPON THE FUND IF ABSENCE DUE TO EXTENSIVE ILLNESS OR AN ACCIDENT EXHAUSTS THEIR SICK LEAVE; CREATING A STATE EMPLOYEE SICK LEAVE ADVISORY COUNCIL; AMENDING SECTION ..., MCA." Representative Brown told the Committee that this bill sets up a sick leave bank, it provides a means that employees may donate some of their excess sick leave, and shows them how to draw from this if their sick leave has been totally used up. This bill would implement the sick leave bank. Representative Brown said there are rules to contribute to the bank and rules to pay back the bank. Representative Brown said she did not feel the bank would be used very much the first year and consequently felt that the fiscal note is high. She felt this sick leave bank would be a great advantage to the state and would make the employees feel a little more confident.

PROPONENTS: Doris Siepert, Department of Labor Coordinating Committee for Women. Ms. Siepert told how she is the sole support of herself and her elderly mother. She told about getting sick and having to pay her ownhealth insurance. Ms. Siepert had disability insurance which helped her with these payments, but because she didn't have a paycheck after being sick for 2 months, they insisted that she pay the premiums on the disability insurance 3 months in advance. Ms. Siepert said that right now with no sick leave fund to borrow against even a simple illness can be a financial disaster as well as a physical and emotional one. I urge you to approve HB 550. (For more of Ms. Siepert's testimony see Exhibit "1" attached hereto and by this reference made a part hereof.)

Phil Sherman, Montana Federation of Teachers, for Mike Dahlem, supports this bill. Mr. Sherman told the Committee that the successful operation of sick leave banks is well established

CONSIDERATION OF HOUSE BILL 800: Representative John Harp, House District 7, Flathead, is the sponsor of this bill entitled, "AN ACT TO REQUIRE THAT THE STATE'S ACCOUNTING SYSTEM BE ESTABLISHED AND STATE AGENCY FINANCIAL RECORDS AND REPORTS BE PREPARED IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES; AND AMENDING SECTIONS ..., MCA." Representative Harp said that when his subcommittee met to discuss the various agencies that he had the feeling they were comparing apples with oranges instead of apples with apples, because they all seem to use a different accounting procedure. He said they took a look at this at the request of the House Taxation Committee and decided that there should be a uniform accounting system and expenditure control. They decided that all the agencies' financial records and reports should be done according to Generally Accepted Accounting Principles (GAAP). According to the bill, this will occur by July 30, 1986, which will give the various agencies a year to change over. Representative Harp said that we should be uniform. In this way, when they go to discuss money issues it will all make sense.

PROPONENTS: Jim Gillett, Legislative Auditor's Office, supports this bill. Mr. Gillett said that this gives us a set of rules to measure against. He said it was hard to work with if you do not have a set of rules. Mr. Gillette said if you want to compare with other states, GAAP would allow you to do this because this is the system used by most of them.

Troy McGee, Governor's Office, Budget and Planning, supports this bill. Mr. McGee said that they use GAAP and this will make it uniform, and make the figures comparable.

OPPONENTS: There were no opponents.

COMMITTEE QUESTIONS: There was much discussion about the various systems that the state agencies used and how they would be more affective if they were uniform and all used GAAP. Senator Harding asked if this would affect the counties and cities. Mr. McGee said no this would be for state agencies only. He said that BARS is local government and SBS is state and they are not related.

Representative Harp closed by saying there is no fiscal impact. HOUSE BILL 800 is closed.

EXECUTIVE ACTION ON HOUSE BILL 800: Senator Manning made a motion that HOUSE BILL 800 be concurred in. Question was called, and the Committee voted unanimously that HOUSE BILL 800 BE CONCURRED IN. (Senator Manning will carry this bill.)

EXECUTIVE ACTION ON HOUSE BILL 394: Senator Mohar said that he had been informed that he served on an advisory council and not on a board and he did not want to change the law and set a

precedent, so he is not going to enter his amendment. He also said that the Arts Board would have to pay this and did not seem to care very much if it was changed, so he wasn't going to enter an amendment for that either. Senator Hirsch asked Valencia Lane if we are approaching equity on these board salaries. Valencia said yes. Senator Hirsch said this bill tries to include everyone. Senator Manning said they had tried to do this with the coal board, but some were overlooked. Senator Manning made a motion that HOUSE BILL 394 be concurred in. Question was called, and the Committee voted unanimously that HOUSE BILL 394 BE CONCURRED IN.

The meeting was adjourned at 11:00 a.m.

Jack Haffey

SENATOR JACK HAFFEY CHAIRMAN

ROLL CALL

STATE ADMINISTRATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 3-15-85

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFFEY, Chairman	✓		
SENATOR LES HIRSCH, Vice-Chairman	✓		
SENATOR JOHN ANDERSON	✓		
SENATOR MAX CONOVER	✓		
SENATOR WILLIAM FARRELL	✓		
SENATOR ETHEL HARDING	✓		
SENATOR J. D. LYNCH			✓
SENATOR DICK MANNING	Late		
SENATOR JOHN MOHAR	✓		
SENATOR LARRY TVEIT	Late		

STANDING COMMITTEE REPORT

March 15, 19 85

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE BILL No. 394

third reading copy (blue color)

(Senator Mohar will carry)

COMPENSATION FOR PUBLIC EMPLOYEES ON QUASI-JUDICIAL AND EDUCATION BOARDS

Respectfully report as follows: That HOUSE BILL No. 394

BE CONCURRED IN

~~BE AMENDED~~

~~AND BE CONCURRED IN~~

Chairman.

HOUSE BILL NO. 394

INTRODUCED BY D. BROWN, KRUEGER

A BILL FOR AN ACT ENTITLED: "AN ACT TO ENTITLE PUBLIC EMPLOYEES IN CERTAIN CATEGORIES TO PER DIEM COMPENSATION FOR THEIR SERVICE AS MEMBERS OF QUASI-JUDICIAL AND STATE EDUCATION AND HISTORICAL SOCIETY BOARDS ~~AND~~; TO INCREASE THE PER DIEM COMPENSATION FOR MEMBERS OF STATE EDUCATION AND HISTORICAL SOCIETY BOARDS FROM $25 A DAY TO $50 A DAY; AND TO PROVIDE PER DIEM COMPENSATION FOR MEMBERS OF THE STATE LIBRARY COMMISSION; AMENDING SECTIONS 2-15-124, 2-15-1008, 2-15-1512, 2-15-1706, 19-3-302, 20-2-113, 22-1-101, AND 22-3-105, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-124, MCA, is amended to read:

"2-15-124. Quasi-judicial boards. If an agency is designated by law as a quasi-judicial board for the purposes of this section, the following requirements apply:

(1) The number of and qualifications of its members are as prescribed by law. In addition to those qualifications, unless otherwise provided by law, at least one member shall be an attorney licensed to practice law in this state.

(2) The governor shall appoint the members. A majority of the members shall be appointed to serve for terms concurrent with the gubernatorial term and until their successors are appointed. The remaining members shall be appointed to serve for terms ending on the first day of the third January of the succeeding gubernatorial term and until their successors are appointed. It is the intent of this subsection that the governor appoint a majority of the members of each quasi-judicial board at the beginning of his term and the remaining members in the middle of his term. As used in this subsection, "majority" means the next whole number greater than half.

(3) The appointment of each member is subject to the confirmation of the senate then meeting in regular session or next meeting in regular session following the appointment. A member so appointed has all the powers of the office upon assuming that office and is a de jure officer, notwithstanding the fact that the senate has not yet confirmed the appointment. If the senate does not confirm the appointment of a member, the governor shall appoint a new member to serve for the remainder of the term.

(4) A vacancy shall be filled in the same manner as regular appointments, and the member appointed to fill a vacancy shall serve for the unexpired term to which he is appointed.

(5) The governor shall designate the chairman. The

chairman may make and second motions and vote.

(6) Members may be removed by the governor only for cause.

(7) Unless ~~he--is--a--full-time--salaried--officer--or employee-of-this-state-or-of-a-political-subdivision-of-this state~~ otherwise provided by law, each member is entitled to be paid $50 for each day in which he is actually and necessarily engaged in the performance of board duties, and he is also entitled to be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, incurred while in the performance of board duties. Members who are full-time salaried officers or employees of this state or of a political subdivision of this state, as defined in 2-18-601 and not including the state officers and employees excepted in 2-18-103, are not entitled to be compensated for their service as members ~~but~~ except when they perform their board duties outside their regular working hours or during time charged against their annual leave, but such members are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503. Ex officio board members may not receive compensation but shall receive travel expenses.

(8) A majority of the membership constitutes a quorum to do business. A favorable vote of at least a majority of all members of a board is required to adopt any resolution,

motion, or other decision, unless otherwise provided by law."

Section 2. Section 2-15-1009, MCA, is amended to read:

"2-15-1009. Public employees' retirement board -- terms -- allocation. (1) There is a public employees' retirement board.

(2) The board consists of six members appointed by the governor. The members are:

(a) three public employees who are active members of a public retirement system (not more than one of these members may be an employee of the same department);

(b) one retired public employee who is an inactive member of the public employees' retirement system; and

(c) two members at large.

(3) The term of office for each member is 5 years.

(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

(5) Members of the board shall be ~~paid-their-travel expenses-as-provided-for-in-2-18-501--through--2-18-503,--as amended,-and-members-of-the-board-who-are-not-active-members of--the--public--retirement--system--shall--be--entitled,-in addition-to-travel-expenses,-to-compensation-as--established for--a--quasi-judicial--board~~ compensated and receive travel expenses as provided for in 2-15-124."

Section 3. Section 2-15-1512, MCA, is amended to read:

"2-15-1512. Boards and offices associated with state historical society. (1) (a) There is a board of trustees of the state historical society which is created in Title 22, chapter 3.

(b) The composition, method of appointment, terms of office, and qualifications of board members remain as prescribed by law.

(2) (a) There is a preservation review board within the Montana historical society consisting of nine members.

(b) Members shall be appointed by the governor in the following manner:

(i) five professional persons recognized in the fields of archaeology, history, architecture, or architectural history; however, no more than two members may be appointed from any one of these fields;

(ii) a professional paleontologist;

(iii) the state liaison officer for the federal land and water conservation fund;

(iv) two members of the public who have actively demonstrated an interest in historic preservation matters.

(c) Each member shall serve a 4-year term. A member may be reappointed.

(d) ~~Unless he is a full-time salaried officer or employee of this state or of a political subdivision, each member is entitled to be paid $25 a day for each day in~~

~~which he is actually and necessarily engaged in board duties and to reimbursement for travel expenses, as provided for in 2-18-501 through 2-18-503, incurred in the performance of board duties~~ Members shall be compensated and receive travel expenses as provided for in 2-15-124.

(3) (a) There is established the historic preservation office within the Montana historical society, to consist of an historic preservation officer and a qualified professional staff.

(b) The historic preservation officer is appointed by the governor."

Section 4. Section 2-15-1706, MCA, is amended to read:

"2-15-1706. Commission for human rights -- allocation -- quasi-judicial. (1) There is a commission for human rights.

(2) The commission consists of five members appointed by the governor with the consent of the senate.

(3) The commission is designated as a quasi-judicial board for the purposes of 2-15-124 ~~but~~ and its members shall be compensated and receive travel expenses as provided for in ~~37-1-133~~ 2-15-124.

(4) The commission is allocated to the department of labor and industry for administrative purposes only as provided in 2-15-121, except that the commission may hire its own personnel, may seek and receive private and federal

funds in its own name, and may determine all matters of policy concerning the use of its budget. Subsection (2)(d) of 2-15-121 shall not apply for purposes of this section."

Section 5. Section 19-3-302, MCA, is amended to read:

"19-3-302. Compensation and expenses of board members. ~~The travel expenses of members of the board shall be as allowed in 2-18-501 through 2-18-503, as amended, and reimbursed by the retirement system. Those members of the board who are not members of the retirement system~~ Members shall be entitled to ~~receive, in addition to travel expenses,~~ compensation as provided in ~~2-15-1009~~ 2-15-124."

Section 6. Section 20-2-113, MCA, is amended to read:

"20-2-113. Per diem of board members -- expenses. Appointed members of the board of public education and the board of regents ~~are entitled to $25 per day and travel expenses, as provided for in 2-18-501 through 2-18-503,~~ shall be compensated and receive travel expenses as provided for in 2-15-124 for each day in attendance at board meetings or in the performance of any duty or service as a board member."

SECTION 7. SECTION 22-1-101, MCA, IS AMENDED TO READ:

"22-1-101. State library commission established. (1) There is a state library commission.

(2) This commission is composed of the following members:

(a) the state superintendent of public instruction or his designee;

(b) five persons appointed by the governor, who shall serve staggered terms of 3 years; and

(c) a librarian appointed by the commissioner of higher education from one of the six units of the Montana university system, who shall serve a term of 3 years.

(3) The commission shall annually elect a chairman from its membership.

(4) The members of said commission shall be compensated and receive ~~no compensation for their services except their~~ travel expenses, as provided for in ~~2-18-501 through 2-18-503~~ 2-15-124."

Section 8. Section 22-3-105, MCA, is amended to read:

"22-3-105. Compensation and expenses of trustees. Each member of the board of trustees ~~is entitled to be paid $25 for each day in which he is actually and necessarily engaged in the performance of board duties, and he is also entitled to be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, as amended, incurred while in the performance of board duties. Members who are full-time salaried officers or employees of this state or of any political subdivision of this state are not entitled to be compensated for their service as members but are entitled to be reimbursed for their travel expenses~~ shall be compensated

and receive travel expenses as provided for in 2-15-124."

NEW SECTION. Section 9. Effective date. This act is effective July 1, 1985.

-End-

PROPOSED GOVERNOR'S AMENDMENT
TO
HOUSE BILL NO. 394,
REFERENCE COPY
April 1, 1985

1. Page 3, line 13.
Following: "state" on line 13
Strike: " ,as " on line 13 through " 2-18-103, " on line 15.

HOUSE BILL NO. 394

INTRODUCED BY D. BROWN, KRUEGER

A BILL FOR AN ACT ENTITLED: "AN ACT TO ENTITLE PUBLIC EMPLOYEES IN CERTAIN CATEGORIES TO PER DIEM COMPENSATION FOR THEIR SERVICE AS MEMBERS OF QUASI-JUDICIAL AND STATE EDUCATION AND HISTORICAL SOCIETY BOARDS ~~AND~~; TO INCREASE THE PER DIEM COMPENSATION FOR MEMBERS OF STATE EDUCATION AND HISTORICAL SOCIETY BOARDS FROM $25 A DAY TO $50 A DAY; AND TO PROVIDE PER DIEM COMPENSATION FOR MEMBERS OF THE STATE LIBRARY COMMISSION; AMENDING SECTIONS 2-15-124, 2-15-1009, 2-15-1512, 2-15-1706, 19-3-302, 20-2-113, 22-1-101, AND 22-3-105, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-124, MCA, is amended to read:

"2-15-124. Quasi-judicial boards. If an agency is designated by law as a quasi-judicial board for the purposes of this section, the following requirements apply:

(1) The number of and qualifications of its members are as prescribed by law. In addition to those qualifications, unless otherwise provided by law, at least one member shall be an attorney licensed to practice law in this state.

(2) The governor shall appoint the members. A majority of the members shall be appointed to serve for terms concurrent with the gubernatorial term and until their successors are appointed. The remaining members shall be appointed to serve for terms ending on the first day of the third January of the succeeding gubernatorial term and until their successors are appointed. It is the intent of this subsection that the governor appoint a majority of the members of each quasi-judicial board at the beginning of his term and the remaining members in the middle of his term. As used in this subsection, "majority" means the next whole number greater than half.

(3) The appointment of each member is subject to the confirmation of the senate then meeting in regular session or next meeting in regular session following the appointment. A member so appointed has all the powers of the office upon assuming that office and is a de jure officer, notwithstanding the fact that the senate has not yet confirmed the appointment. If the senate does not confirm the appointment of a member, the governor shall appoint a new member to serve for the remainder of the term.

(4) A vacancy shall be filled in the same manner as regular appointments, and the member appointed to fill a vacancy shall serve for the unexpired term to which he is appointed.

(5) The governor shall designate the chairman. The

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chairman may make and second motions and vote.

(6) Members may be removed by the governor only for cause.

(7) Unless ~~he--is--a--full-time--salaried--officer--or employee-of-this-state-or-of-a-political-subdivision-of-this state~~ otherwise provided by law, each member is entitled to be paid $50 for each day in which he is actually and necessarily engaged in the performance of board duties, and he is also entitled to be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, incurred while in the performance of board duties. Members who are full-time salaried officers or employees of this state or of a political subdivision of this state~~,-as-defined-in--2-18-601 and--not-including-the-state-officers-and-employees-excepted in-2-18-103,~~ are not entitled to be compensated for their service as members ~~but~~ except when they perform their board duties outside their regular working hours or during time charged against their annual leave, but such members are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503. Ex officio board members may not receive compensation but shall receive travel expenses.

(8) A majority of the membership constitutes a quorum to do business. A favorable vote of at least a majority of all members of a board is required to adopt any resolution,

motion, or other decision, unless otherwise provided by law."

Section 2. Section 2-15-1009, MCA, is amended to read:

"2-15-1009. Public employees' retirement board -- terms -- allocation. (1) There is a public employees' retirement board.

(2) The board consists of six members appointed by the governor. The members are:

(a) three public employees who are active members of a public retirement system (not more than one of these members may be an employee of the same department);

(b) one retired public employee who is an inactive member of the public employees' retirement system; and

(c) two members at large.

(3) The term of office for each member is 5 years.

(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

(5) Members of the board shall be ~~paid-their-travel expenses-as-provided-for-in-2-18-501--through--2-18-503,--as amended,-and-members-of-the-board-who-are-not-active-members of--the--public--retirement--system--shall--be--entitled,-in addition-to-travel-expenses,-to-compensation-as--established for--a--quasi-judicial--board~~ compensated and receive travel expenses as provided for in 2-15-124."

Section 3. Section 2-15-1512, MCA, is amended to read:

"2-15-1512. Boards and offices associated with state historical society. (1) (a) There is a board of trustees of the state historical society which is created in Title 22, chapter 3.

(b) The composition, method of appointment, terms of office, and qualifications of board members remain as prescribed by law.

(2) (a) There is a preservation review board within the Montana historical society consisting of nine members.

(b) Members shall be appointed by the governor in the following manner:

(i) five professional persons recognized in the fields of archaeology, history, architecture, or architectural history; however, no more than two members may be appointed from any one of these fields;

(ii) a professional paleontologist;

(iii) the state liaison officer for the federal land and water conservation fund;

(iv) two members of the public who have actively demonstrated an interest in historic preservation matters.

(c) Each member shall serve a 4-year term. A member may be reappointed.

(d) ~~Unless he is a full-time salaried officer or employee of this state or of a political subdivision, each member is entitled to be paid $25 a day for each day in~~

~~which he is actually and necessarily engaged in board duties and to reimbursement for travel expenses, as provided for in 2-18-501 through 2-18-503, incurred in the performance of board duties~~ Members shall be compensated and receive travel expenses as provided for in 2-15-124.

(3) (a) There is established the historic preservation office within the Montana historical society, to consist of an historic preservation officer and a qualified professional staff.

(b) The historic preservation officer is appointed by the governor."

Section 4. Section 2-15-1706, MCA, is amended to read:

"2-15-1706. Commission for human rights -- allocation -- quasi-judicial. (1) There is a commission for human rights.

(2) The commission consists of five members appointed by the governor with the consent of the senate.

(3) The commission is designated as a quasi-judicial board for the purposes of 2-15-124 ~~but~~ and its members shall be compensated and receive travel expenses as provided for in ~~37-1-133~~ 2-15-124.

(4) The commission is allocated to the department of labor and industry for administrative purposes only as provided in 2-15-121, except that the commission may hire its own personnel, may seek and receive private and federal

funds in its own name, and may determine all matters of policy concerning the use of its budget. Subsection (2)(d) of 2-15-121 shall not apply for purposes of this section."

Section 5. Section 19-3-302, MCA, is amended to read:

"19-3-302. Compensation and expenses of board members. ~~The travel expenses of members of the board shall be as allowed in 2-18-501 through 2-18-503, as amended, and reimbursed by the retirement system. Those members of the board who are not members of the retirement system~~ Members shall be entitled to ~~receive, in addition to travel expenses,~~ compensation as provided in ~~2-15-1009~~ 2-15-124."

Section 6. Section 20-2-113, MCA, is amended to read:

"20-2-113. Per diem of board members -- expenses. Appointed members of the board of public education and the board of regents ~~are entitled to $25 per day and travel expenses, as provided for in 2-18-501 through 2-18-503,~~ shall be compensated and receive travel expenses as provided for in 2-15-124 for each day in attendance at board meetings or in the performance of any duty or service as a board member."

SECTION 7. SECTION 22-1-101, MCA, IS AMENDED TO READ:

"22-1-101. State library commission established. (1) There is a state library commission.

(2) This commission is composed of the following members:

(a) the state superintendent of public instruction or his designee;

(b) five persons appointed by the governor, who shall serve staggered terms of 3 years; and

(c) a librarian appointed by the commissioner of higher education from one of the six units of the Montana university system, who shall serve a term of 3 years.

(3) The commission shall annually elect a chairman from its membership.

(4) The members of said commission shall be compensated and receive ~~no compensation for their services except their~~ travel expenses, as provided for in ~~2-18-501 through 2-18-503~~ 2-15-124."

Section 8. Section 22-3-105, MCA, is amended to read:

"22-3-105. Compensation and expenses of trustees. Each member of the board of trustees ~~is entitled to be paid $25 for each day in which he is actually and necessarily engaged in the performance of board duties, and he is also entitled to be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, as amended, incurred while in the performance of board duties. Members who are full-time salaried officers or employees of this state or of any political subdivision of this state are not entitled to be compensated for their service as members but are entitled to be reimbursed for their travel expenses~~ shall be compensated

and receive travel expenses as provided for in 2-15-124."

NEW SECTION. Section 9. Effective date. This act is effective July 1, 1985.

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